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HOUSE BILL 757

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Rory J. Ogle

AN ACT

RELATING TO FOSTER PARENTS; ENACTING THE FOSTER PARENTS BILL OF RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. FOSTER PARENTS BILL OF RIGHTS. -- Foster parents have the following rights:

A. the right to be treated with dignity, respect and consideration as a professional member of the child welfare team;

B. the right to be notified of scheduled meetings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings and individual educational planning meetings. Foster parents

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1 should be encouraged to attend;

2 C. the right to provide input concerning the plan
3 of services for the child and to have that input given full
4 consideration in the same manner as information presented by
5 any other professional on the team;

6 D. the right to communicate with other
7 professionals who work with the foster child within the context
8 of the team, including therapists, physicians and teachers;

9 E. the right to receive adequate prior written
10 notice and invitation to all court hearings regarding foster
11 children in their care;

12 F. the right to submit factually based written
13 reports to judges presiding over the foster child's case. The
14 report should be brief and concise and include information
15 regarding educational, medical and behavioral information of
16 the child. A copy of the report should be distributed to all
17 attorneys, social workers and interested parties to the case;

18 G. the right to receive full disclosure of all
19 known behavioral, medical and psychological issues of foster
20 children placed in their home. The safety of the foster family
21 should not be put at risk due to undisclosed behaviors;

22 H. the right to receive a written copy of the
23 treatment plan and any subsequent amendments on a timely basis;

24 I. the right to be informed of and receive all
25 available support services for children in care in their home;

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1 J. the right to be considered as a primary
2 placement option when a child formerly in their foster home
3 reenters the foster care system. This replacement should be
4 consistent with the best interests of the child and other
5 children in the foster home;

6 K. the right to be given reasonable prior written
7 notice of:

- 8 (1) any change in a child's treatment plan;
9 (2) any plan to terminate the placement of the
10 child with the foster family; and
11 (3) the reasons for the change or termination
12 of placement.

13 The written notice shall be waived only in the case of
14 court order or when the child is determined to be at imminent
15 risk or harm;

16 L. the right to receive timely financial
17 reimbursement commensurate with the care needs of the child as
18 specified in the treatment plan;

19 M. the right to obtain a substitute care placement
20 agreement at the time that children are placed in their home;

21 N. the right to receive the full reimbursement
22 amount as specified in the substitute care placement agreement.
23 In instances of short pays, the foster parent has the right to
24 be paid the full difference in a timely manner. The foster
25 parent has the reciprocal obligation to return overpays to the

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1 state;

2 0. the right to be given standardized pre-service
3 training and appropriate ongoing training to enhance their
4 skills as foster care providers;

5 P. the right to be informed of all agency policies
6 and procedures related to their role as foster parents;

7 Q. the right to confidentiality regarding issues
8 that arise in foster family homes;

9 R. the right to be provided a fair, timely and
10 impartial investigation concerning any referral made on the
11 foster family;

12 S. the right to be provided a fair, timely and
13 impartial investigation concerning complaints filed against
14 them as foster parents;

15 T. the right to have timely access to the child
16 placement agency's existing appeals process, and the right to
17 be free from acts of harassment and retaliation by any other
18 party when exercising the right to appeal;

19 U. the right to have emergency access to agency
20 personnel on a twenty-four-hour, seven-day-a-week basis;

21 V. the right to assistance in dealing with loss and
22 separation when a foster child leaves their home; and

23 W. the right to not be discriminated against on the
24 basis of religion, race, color, creed, sex, national origin,
25 age, marital status or physical handicap.

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